

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BRYAN E. JOHNSON

**Plaintiff,**

V.

## JUDY SNOW.

Defendant.

Case No. C08-5570 RJB/KLS

**ORDER REGARDING FILING OF  
MULTIPLE COPIES OF AMENDED  
COMPLAINT**

This civil rights action has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local MJR 3 and 4, and Federal Rule of Civil Procedure 72. Plaintiff has been granted leave to proceed *in forma pauperis*. Dkt. # 14.

On November 12, 2008 Plaintiff was ordered to file an amended complaint or to show cause why this matter should not be dismissed. Dkt. # 16. In response, Plaintiff filed three versions of a First Amended Complaint. Dkts. # 17, 18 and 19. The filings are not identical. For example, Dkt. # 17 is partially on a Court provided form, while the remaining two are not, and Dkt. # 19 contains no Section D. The amended complaint and copies submitted for filing must be identical.

Moreover, because Plaintiff's filings are not identical, the Court cannot determine which of these versions is Plaintiff's First Amended Complaint. Therefore, the Clerk shall return to Plaintiff

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1 all three versions. Plaintiff shall choose one version that he wishes to file and return it to the Court,  
2 along with **an identical copy** for service on each named Defendant, **on or before January 23,**  
3 **2009.**

4 Plaintiff is cautioned that if an amended complaint is not timely filed as set forth above, the  
5 Court will recommend dismissal of this action as frivolous pursuant to 28 U.S.C. § 1915 and the  
6 dismissal will count as a “strike” under 28 U.S.C. § 1915(g). Pursuant to 28 U.S.C. § 1915(g),  
7 enacted April 26, 1996, a prisoner who brings three or more civil actions or appeals which are  
8 dismissed on grounds they are legally frivolous, malicious, or fail to state a claim, will be precluded  
9 from bringing any other civil action or appeal *in forma pauperis* “unless the prisoner is under  
10 imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

11 The Clerk is directed to send Plaintiff the appropriate forms that he may file an amended  
12 complaint. The Clerk is further directed to send a copy of this Order and a copy of the General  
13 Order to Plaintiff.

14 Dated this 6th day of January, 2009.

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18 Karen L. Strombom  
19 United States Magistrate Judge  
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